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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/686,323	10/09/2000	Bin Zhao	97RSS433DIV	6870
25700	7590	11/30/2004	EXAMINER	
FARJAMI & FARJAMI LLP 26522 LA ALAMEDA AVENUE, SUITE 360 MISSION VIEJO, CA 92691			PERALTA, GINETTE	
			ART UNIT	PAPER NUMBER
			2814	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/686,323

Applicant(s)

ZHAO, BIN

Examiner

Ginette Peralta

Art Unit

2814



--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 October 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 93-117.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____



Howard Weiss
Primary Patent Examiner

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's argument that the examiner should withdraw the finality of the office action mailed on August 25, 2004 because a new reference was used has been considered, it is noted that the new reference was incorporated in response to amendments made by the applicant, in this case the finality of the office action is proper and is maintained as noted in the MPEP §706.07(a). Regarding applicant's argument that Michael et al. does not show a support pillar or a support pillar in contact with the interconnect line, applicant is directed to Fig. 6, where Michael et al. shows that the dielectric layer is patterned to form support pillars, including support pillars in contact with the interconnect line, and although Michael et al. teaches that the support pillars may be formed indiscriminately, it is seen in Fig. 6 a pillar between a first and a second air gap and the pillar being in contact with the interconnection line, thus, based on Michael et al.'s drawings and suggestions, it will have been within the scope of one of ordinary skill in the art to form a pillar like so, as suggested by Michael et al.'s drawing even if it is not a preferred embodiment. With regards to applicant's argument that the pillar of Michael et al. does not have the functionality of providing and increase mechanical strength and thermal conductivity to the interconnection line, it is noted that Michael et al. does teach the pillar for the purpose of providing increased mechanical strength and support for the overlying layers that are part of the finalized device, and that the thermal conductivity is inherent as the support pillar is in contact with the interconnection line and by that it increases the surface by which heat is radiated from the interconnection line, furthermore the functional language in the claim does not patentably distinguish from that which is taught by Michael et al. as modified by Chen et al. and Grill et al. .